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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,794	08/11/2003	Bryan Wyatt	BW-1-js	4996
7590	05/17/2005		EXAMINER	
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/638,794

Applicant(s)

WATT, BRYAN

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 5-8,13-15 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. The indicated allowability of claims 13-15 is withdrawn in view of the newly discovered reference(s) to the microprocessing unit and detection means \. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-8,13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amburgey and further in view of Gardner (6,891,478).
3. Amburgey discloses the claimed invention except for the recitation of a load sensor, means for comparing the sensed load value with a threshold value and a microprocessor connected to the load comparing means. Amburgey discloses a receptacle having a face plate at least one lighting element positioned around the periphery of the face plate and means for detecting a level of illumination surrounding

Art Unit: 2875

the electrical outlet and means for illuminating at least one lighting element upon determining the detected level of illumination is below a predetermined value, the means for illuminating is a light sensor, means for comparing the level of light sensed by the light sensor with a threshold value wherein upon the level of light being below a threshold value the lighting element is illuminated, the face plate (18,28) is one of translucent and transparent (Figs 1,3 and 6, pp 2 section 0022) .

4. Gardner discloses an electric power monitoring system having a faceplate and a first and second lighting element (fig 6a, 6b, 316), a load sensor for sensing the voltage of a load drawn from an input voltage, means for comparing the sensed load value with a threshold value and a microprocessor connected to the load comparing means, upon the load comparing means detecting the load value is less than a threshold value the microprocessor directs a switch to contact a first lead extending from the first lighting element for illumination thereof and upon the load comparing means detecting the load value is greater than a threshold value, the microprocessor directs a switch to connect a second lead extending from the second lighting element for illumination thereof (col. 3 lines 1-11, 28-47); a color of light transmitted from the lighting element is different that light emitted from the second lighting element (col. 23 lines 58-64), means for detecting if a plug has been received by the outlet and the first lighting element is caused to illuminate upon detecting a plug therein being received by the electrical outlet and the second lighting element is caused to illuminated upon detecting a plug is not received by the electrical outlet (col. 20, lines 39-51),

Art Unit: 2875


5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of the load sensing means, comparing means and microprocessing system of Gardner into the device of Ambuegey since as taught by Gardner, such features would be purposeful for providing the device of Amburgey with a function signaling the user to the status of the electrical socket/electrical system of the desired area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800